

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-13, 21-27, 30, 31 and 35 are now under consideration in the application. Claims 14-20 and 32-34 have been withdrawn from consideration.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 11, 12, 23, 25 and 29-31 as being allowable if rewritten in independent form. While not conceding the appropriateness of the Examiner's rejections, claim 27 has been amended to include the limitations of claim 29. Accordingly, claims 27-31 are now in condition for allowance.

Drawings

The Examiner objected to the drawings as not showing every feature of the claimed invention. The Examiner specifically points to the limitation of claim 5, "frame having the full length of the car in a non-extended state." First, Applicant wishes to point out that Fig. 6 does show this feature. In this embodiment, when the car is unextended, the frame is the full length of the car. Applicant has also amended claim 5 to add the word "approximately" to include the situation where the

extendable member has a very small part which can extend beyond the front of the frame.

Rejection under 35 USC 112

Claims 3, 13, 21, 27 and 28 stand rejected under 35 USC 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Applicant has now amended the claims to avoid the indefinite language pointed out by the Examiner. In claim 3, the word "roughly" has been changed to "approximately." Since this term has been used in claim 4 and has not been objected to there, it is assumed that this is appropriate.

In claim 13, Applicant has changed "is pivoted" to "pivots" to avoid the passive voice.

In regard to claim 21, Applicant has changed "near the ground" to "mounted on the ground" to avoid any indefiniteness.

Claim 28 has been cancelled rendering this part of the rejection moot. Claim 27 has been amended to use the phrase "which is below said first conveyor belt." Accordingly, this rejection is overcome.

Rejection Under 35 USC 102

Claims 1-8 stand rejected under 35 USC 102 as being anticipated by Hall (U.S. Patent 5,307,917). This rejection is respectfully traversed.

The Examiner describes Hall as including a frame 11, a plurality of wheels 20, a plurality of conveyor supports 15, an extendable member and a belt storage unit. This device includes a conveyor arrangement where a wheeled frame carries a three-segment conveyor which can be extended at each end. A single belt is used over the three sections although there is a difference in height in each section. Since it is used by itself and not to expand a fixed belt, it differs from the present device.

Applicant submits that claim 1 now defines over this reference. The claim now refers to a fixed conveyor belt which is different from the portable device of Hall. Also, the frame is now described as being provided at the end of the conveyor belt. This differs from the reference where the frame is only in the center. Also, the conveyor supports are now defined as being mounted in a plane. This is not the case in Hall where the conveyor supports are provided in three different planes. Also, claim 1 now makes it clear that this is not a separate structure, but part of a larger arrangement which is not seen in

Hall. Accordingly, Applicant submits that claim 1 not anticipated by this reference.

Claims 2-6 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims recite other features which make them additionally allowable.

Claims 7 and 8 are method claims which correspond to claim 1. Each of these claims now make it clear that the conveyor belt supports are in a plane in the same manner as discussed above with regard to claim 1. Both of these claims also include the step of adding an additional length to the conveyor belt which is equivalent to the length of the extension of the car. This is also not seen in Hall. Accordingly, these claims are also considered to be allowable.

Claims 9 and 13 stand rejected under 35 USC 102 as being anticipated by Bonnet (U.S. Patent 5,685,416). This rejection is respectfully traversed.

The Examiner points out that this reference shows a plurality of supports 90, at least one car having at least one movable support 24, a conveyor belt carried by the supports, a wheeled framework for supporting the movable conveyor support and extendable portion 26 mounted on the wheel framework.

Applicant submits that these claims are not anticipated by this reference. The device of Bonnet is a conveyor for unloading a truck and provides an extending section using a

single belt which has a take-up box to handle the extra length. Claim 9 has now been amended to point out that the car is provided at an end of the fixed supports. This points out the fact that the car is part of a larger fixed system. This is different from Bonnet where the extendable section is the entire system. Thus, this device is not used in conjunction with a longer conveying system. Accordingly, Applicant submits that claim 9 is allowable.

Claims 10-13 depend from allowable claim 9 and as such are also considered to be allowable. In addition, these claims recite other features which makes these claims additionally allowable. In particular, the Examiner has already indicated that claims 11 and 12 are allowable.

Claims 27 and 28 stand rejected under 35 USC 102 as being anticipated by Nohl et al. (U.S. Patent 6,360,876). This rejection is respectfully traversed.

By way of the present Amendment, Applicant has added the limitations of claim 29 to claim 27. Since the Examiner has indicated that claim 29 would be allowable if rewritten in independent form, Applicant submits that claims 27, 30 and 31 are now allowable.

Claims 21, 22, 24, and 26 stand rejected under 35 USC 102 as being anticipated by Nohl et al. This rejection is respectfully traversed.

The Examiner states that the Nohl et al. device shows a framework near the ground, a first conveyor belt formed below the second conveyor and moveable relative to the second conveyor, an elevating section for increasing the height of the belt which is movable on the framework and a second conveyor that is a car.

Applicants disagree that this reference discloses the present amended claim. Applicant has now amended the description of the elevating section to indicate that it increases the height of the conveyor belt from the frame. Also, Applicant has added a phrase at the end of the claim to indicate that the products are moved from the second conveyor onto the first conveyor. This language has been copied from claim 29 which has been indicated as being allowable by the Examiner. Accordingly, Applicant submits that these features are not shown in the reference and that this claim is also allowable.

Claims 22-26 depend from claim 21 and as such are also considered to be allowable. In addition, these claims show other features which makes them additionally allowable. In particular, the Examiner has already indicated the allowability of claims 23 and 25.

Rejection Under 35 USC 103

Claim 10 stands rejected under 35 USC 103 as being obvious over Bonnet. This rejection is respectfully traversed.

The Examiner feels that the use of a plurality of cars would be obvious. Even if this feature would be obvious, Applicant submits that this claim is still allowable based on its dependence from claim 10.

Additional Claim

Applicant has now added claim 35, which is similar to claim 21. However, this claim is specifically aimed at an arrangement where the two conveyors are at an angle to each other rather than the same direction. This is discussed in paragraph 0060 of the specification. This claim is considered to be allowable for the same reasons recited above with regard to claim 21.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner either alone or in combination. In view of this, reconsideration of the rejection and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully

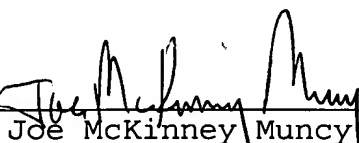
requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a two-month extension of time for filing a reply in connection with the present application, and the required small entity fee of \$225 is attached hereto.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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